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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 BRITTANY BARRIOS, individually,
11 KARLEY SPARKS, individually,

12 Plaintiffs

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
15 corporation; DOE STATE FARM
EMPLOYEE, an individual; DOE
16 INDIVIDUALS I-X, inclusive; and ROE
CORPORATIONS I-X, inclusive,

17 Defendants.
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CASE NO.: 2:23-cv-00013-CDS-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SECOND REQUEST]

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20 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
21 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by
22 ninety-one (91) days, up to and including January 2, 2024. In addition, the parties request that all
23 other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended
24 pursuant to the Local Rules. In support of this Stipulation and Request, the parties state as follows:

25 **DISCOVERY COMPLETED**

- 26 1. On November 30, 2022, Plaintiff filed her Complaint.
27 2. On January 4, 2023, Defendant removed the case to the U.S. District Court.
28 3. On January 11, 2023, Defendant filed its Answer to Plaintiff's Complaint.

4. On February 10, 2023, the parties conducted an initial FRCP 26(f) conference.
5. On March 9, 2023, Defendant served its FRCP 26 Initial Disclosures.
6. On March 9, 2023, Defendant served written discovery on Plaintiff. Plaintiff served her written discovery responses on May 1, 2023.
7. On March 13, 2023, Plaintiff served her FRCP 26 Initial Disclosures.
8. On April 4, 2023, Plaintiff served written discovery on Defendant State Farm. State Farm served its Responses on May 4, 2023.
9. On May 16, 2023, Defendant served subpoenas on the following of Plaintiff's medical providers: Desert Radiology; Align Med Rhodes Ranch; Steven T. Sanders, MD; Neck and Back Clinic; Medical Associates of Southern Nevada; Gobinder S. Chopra, MD; EMP of Clark UMC; University Medical Center of Southern Nevada; and Dynamic Spine & Sport Rehabilitation.
10. On May 17, 2023, the parties filed a Stipulated Protective Order.
11. On May 17, 2023, Defendant served its Second Set of Interrogatories on Plaintiff. Plaintiff served her responses on June 5, 2023.
12. On May 22, 2023, Defendant received records via subpoena from Align Med Rhodes Ranch; Neck and Back Clinic; and Gobinder S. Chopra, MD.
13. On May 31, 2023, Defendant received records via subpoena from Medical Associates of Southern Nevada.
14. On June 13, 2023; Defendant received records via subpoena from Dynamic Spine & Sport Rehabilitation.
15. Subpoenas were issued on July 13, 2023 to the following providers: Tammy Reynolds, MD; the Healing Center; Primary Care Consultants; CareNow Urgent Care; Southwest Medical; Summerlin Hospital; Sympathy Health Clinic; and Midtown Psychiatry.

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DISCOVERY REMAINING

1. Defendant will collect Plaintiff's medical records from EMP of Clark UMC; Desert Radiology; and University Medical Center of Southern Nevada.
2. Defendant will obtain release forms and issue subpoenas to obtain records from Tammy Reynolds, MD; the Healing Center; Primary Care Consultants; CareNow Urgent Care; Southwest Medical; Summerlin Hospital; Sympathy Health Clinic; and Midtown Psychiatry
4. Defendant will depose Plaintiff on July 26, 2023 per Defendant's amended deposition notice.
5. Plaintiff will depose State Farm's representatives if desired.
6. Plaintiff will depose Defendant's FRCP 30(b)(6) witness(es).
7. The parties may depose any and all other witnesses ascertained through discovery, such as potentially including Plaintiff's medical treatment providers and claims adjusters.
8. The parties will designate expert witnesses and may conduct depositions of those expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing sufficient time to conduct discovery.

During discovery, Defendant learned that Plaintiff received mental health treatment following the subject accident from the Healing Center. There has been a delay in obtaining the records from the Healing Center, a mental health provider because of the provider's requirement for a special Release of Information ("ROI") form. The parties are working together to obtain the required release and records from the provider.

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The parties have not yet been able to schedule Plaintiff Brittany Barrios' deposition due to scheduling conflicts and in light of the need for Defendant to have access to a full complement of Ms. Barrios' medical records via subpoena. Plaintiff's deposition was initially scheduled for July 27, but was rescheduled for July 26, 2023 to accommodate availability of all parties. However, Plaintiff's deposition may need to be rescheduled at a later date pending receipt of Plaintiff's medical documents.

The parties have been co-operative and diligent in moving the case forward: participating in a reasonable amount of discovery, including exchanging their initial lists of witnesses and documents; propounding written discovery requests and preparing written responses thereto; co-operating with records procurement and disclosures. Next, the parties will also proceed with Plaintiff's deposition and treating provider depositions and expert discovery.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This stipulation is made more than 21 days before the expiration of any deadlines.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, October 2, 2023</i>	<i>Tuesday, January 2, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Tuesday, April 4, 2023</i>	<i>Tuesday, April 4, 2023</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Thursday, August 3, 2023</i>	<i>Thursday, November 2, 2023</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Tuesday, September 5, 2023</i>	<i>Tuesday, December 5, 2023</i>

Scheduled Event	Current Deadline	Proposed Deadline
Dispositive Motions	Wednesday, November 1, 2023	Wednesday, January 31, 2024
Joint Pretrial Order	Monday, December 4, 2023	Monday, March 4, 2024 If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by ninety-one (91) days from the current deadline of October 2, 2023, up to and including January 2, 2024, and the other dates as outlined in accordance with the table above.

DATED this 13th day of July, 2023.

DATED this 13th day of July, 2023.

RICHARD HARRIS LAW FIRM

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/s/ Jonathan B. Lee

/s/ Jennifer A. Taylor

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ORDER

IT IS SO ORDERED

DATED: 9:43 am, July 14, 2023

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE